

RECORDATION NO. 29469 FILED

SEP 14 '10 -10 15 AM

SURFACE TRANSPORTATION BOARD

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September 14, 2010

Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

Dear Section Chief,

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are two (2) copies of a Memorandum of Leasing Schedule # 769-0002296-001 to Master Equipment Lease Agreement, dated as of August 30, 2004, a primary document as defined in the Board's Rules for the Recordation of Documents.

The names and addresses of the parties to the enclosed document are:

Lessor: Siemens Financial Services, Inc.  
170 Wood Avenue South  
Iselin, NJ 08830

Lessee: Tyson Farms, Inc.  
2200 Don Tyson Parkway  
Springdale, Arkansas 72762

Chief  
Section of Administration  
September 14, 2010  
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A description of the railroad equipment covered by the enclosed document is:

1 Republic Industrial Switching Locomotive Model RX500 and serial number T50C069.

A short summary of the document to appear in the index is:

Memorandum of Leasing Schedule # 769-0002296-001 to Master Equipment Lease Agreement.

Also enclosed is a check in the amount of \$41.00 payable to the order of the Surface Transportation Board covering the required recordation fee.

Kindly return stamped copies of the enclosed document to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Alvord', with a long horizontal flourish extending to the right.

Robert W. Alvord

RWA/sem  
Enclosures

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SURFACE TRANSPORTATION BOARD

**MEMORANDUM OF LEASING SCHEDULE # 769-0002296-001 TO MASTER  
EQUIPMENT LEASE AGREEMENT**

**THIS MEMORANDUM OF LEASING SCHEDULE # 769-0002296-001 TO MASTER EQUIPMENT LEASE AGREEMENT** dated as of August 30, 2004 between **SIEMENS FINANCIAL SERVICES, INC.**, a Delaware corporation with an office at 170 Wood Avenue South, Iselin, New Jersey 08830 (the "**Lessor**"), and **TYSON FARMS, INC.**, a North Carolina corporation with an office at 2200 Don Tyson Parkway, Springdale, Arkansas 72762 (the "**Lessee**").

**WITNESSES THAT:**

1. Lessor has agreed to lease to Lessee, and Lessee has agreed to Lease from Lessor, one (1) new Republic Industrial Switching Locomotive Model RX500 with manufacturer's serial number T50C069 (the "**Locomotive**"), as more particularly described in that certain Leasing Schedule No. 769-0002296-001 dated as of September 8, 2010 between Lessor and Lessee (the "**Schedule**") as incorporating the terms and conditions of that certain Master Equipment Lease Agreement dated as of August 30, 2004 between Lessor and Tyson Foods, Inc. (the "**Master Agreement**") (the **Schedule**, as incorporating the terms and conditions of the Master Agreement, the "**Lease**").
2. Lessor and Lessee wish to show for the public record the existence of the Lease, and the respective interests of Lessor and Lessee set forth therein with respect to the Locomotive.
3. This Memorandum has been entered into for the purpose of satisfying the requirements for recordation with the Surface Transportation Board of the United States of America.

**NOW, THEREFORE**, by this instrument the Lessor leases and confirms the lease of the Locomotive to the Lessee in accordance with the terms and conditions of the Lease, and the Lessee confirms the ownership interest of Lessor in the Locomotive and accepts the terms and conditions of the Lease which are incorporated by reference as if fully set forth herein.

*SIGNATURES TO FOLLOW*

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum to be executed by their officers thereunto duly authorized, as of the date first hereinabove written.

SIEMENS FINANCIAL SERVICES, INC.

By: Carol Walters  
Name: \_\_\_\_\_  
Title: Carol Walters  
Vice President

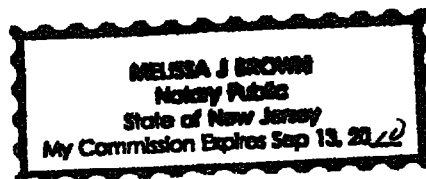
By: Kevin S. Keaton  
Name: \_\_\_\_\_  
Title: Kevin S. Keaton  
Director, Operations

STATE OF NEW JERSEY )  
                                  ) ss:  
COUNTY OF MIDDLESEX )

Before me, a Notary Public, in and for said county and state, personally appeared Carol Walters and Kevin Keaton, the VP and Director, respectively, of Siemens Financial Services, Inc., a Delaware corporation, each of who acknowledged that he being thereunto duly authorized, did sign the foregoing instrument on behalf of said corporation and by authority of its Board of Directors on behalf of the corporation and that the same is the free act and deed of said officer and of said corporation.

In Testimony Whereof, I have hereunto set my hand and official seal this 9<sup>th</sup> day of September   , 2010.

Notary Public Melissa J. Brown  
My commission expires 9/13 2010



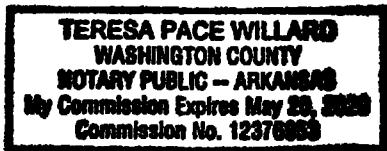
TYSON FARMS, INC.

By: [Signature]  
✓ Name: Ted Jones  
Title: VP & Treasurer

STATE OF ARKANSAS     )  
  ) ss:  
COUNTY OF Washington

On this 8 day of September, 2010, before me, a Notary Public in and for said State, personally appeared Ted Jones, known or identified to me to be the VP & Treasurer of the corporation that executed the within instrument or the person who executed the within instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Teresa Pace Willard  
Notary Public for Arkansas  
Residing at: Springdale, Ar  
My Commission Expires: 5-20-20

**CERTIFICATION**

I, Robert W. Alvord, attorney licensed to practice in the State of New York and the District of Columbia, do hereby certify under penalty of perjury that I have compared the attached copy with the original thereof and have found the copy to be complete and identical in all respects to the original document.

Dated: \_\_\_\_\_

9/14/10



\_\_\_\_\_  
Robert W. Alvord